

Members

Rep. Ron Herrell, Chairperson
Rep. Dennis Avery
Rep. John Day
Rep. David Frizzell
Rep. Phyllis Pond
Rep. Dean Young
Sen. Richard Bray
Sen. Murray Clark
Sen. David Long
Sen. William Alexa
Sen. Glenn Howard
Sen. Samuel Smith



INTERIM STUDY COMMITTEE ON CIVIL AND FAMILY LAW ISSUES

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Committee

Authority: Legislative Council Resolution 01-2
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MEETING MINUTES¹

Meeting Date: October 24, 2001
Meeting Time: 10:30 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 156-C
Meeting City: Indianapolis, Indiana
Meeting Number: 4

Members Present: Rep. Ron Herrell, Chairperson; Rep. Dennis Avery; Rep. John Day; Rep. Phyllis Pond; Rep. Dean Young; Sen. Richard Bray; Sen. Murray Clark; Sen. David Long; Sen. Glenn Howard.

Members Absent: Rep. David Frizzell; Sen. William Alexa; Sen. Samuel Smith.

Representative Herrell called the meeting to order at 10:45 a.m. Rep. Herrell announced that the items before the committee would include testimony from Judge Steve David of Boone County and adoption of the final report. Issues for possible inclusion in the final report included: (1) family law as it applies to marriage; (2) civil immunity for volunteers; (3) the uniform parentage act; (4) implementation of Zachary's law; and (5) juvenile waiver and tiered corrections.

I. Family law as it applies to marriage (committee discussion).

Rep. Herrell suggested that prenuptial agreements might be helpful in lowering divorce

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rates and helping married people stay together. **Rep. Pond** stated that either prenuptial or postnuptial agreements could serve this purpose. **Sen. Clark** disagreed that pre- or postnuptial agreements would be enough. Sen. Clark noted that these kind of marital agreements required the use of a lawyer and could therefore be expensive. Sen. Clark stated that a covenant marriage would be more effective because it is a voluntary agreement between the couple that would not cost anything. Rep. Herrell stated that the same couples who would opt for a covenant marriage would be likely to attend voluntary counseling, and thus would have a reduced risk of divorce anyway. Rep. Herrell also stated that he was concerned about the effect of a law that might require people to stay married. Sen. Clark noted that the covenant marriage law does address the issue of abuse and violence. Covenant marriage does not mean that people can never get divorced, it just makes it harder than a telephone call. Rep. Herrell stated that divorce is never easy.

II. Civil immunity for volunteers (committee discussion).

Rep. Young stated that he was concerned with an amendment made to Indiana's definition of "nonparty" in 1995 because the definition was too broad and hurt an injured party. Rep. Young discussed how the definition could be improved (See Exhibit 1). Rep. Herrell stated that he was concerned about the general issue of civil immunity for volunteers: Rep. Herrell was concerned that the immunity could be so broad that it covered everyone. **Robert Hellmann** of the Indiana Trial Lawyer's Association described the federal volunteer protection act. **Rep. Day** stated that he did not see the need for generalized immunity for volunteers.

III. Uniform parentage act.

(There was no discussion of this issue).

IV. Juvenile waiver and tiered correction.

Judge Steve David, judge of the Boone circuit court, presented the committee with a letter from Judge Mary Beth Bonaventura, president of the Indiana Council of Juvenile and Family Court Judges (Exhibit 2). Judge David explained that there were several inconsistencies in the juvenile code and that someone should take a comprehensive look at the whole code. Judges need to have more sentencing options for dealing with juveniles.

Rep. Herrell agreed that there was not really an appropriate sentencing option for more violent juvenile offenders who might still be able to be rehabilitated. For this reason, it would be good to have more sentencing options.

Mark Goodpaster, fiscal analyst for the committee, presented a memorandum describing the number and offenses of persons under the age of 21 who are incarcerated in the Department of Correction (Exhibit 3).

Rep. Day stated that juvenile court judges should have more discretion. **Sen. Clark** stated that he believed that the current waiver system needed work. **Sen. Long** stated that serious crimes were a difficult issue because the legislature needs to make a statement about certain serious crimes.

V. Implementation of Zachary's law (committee discussion).

Rep. Herrell stated that he planned to reintroduce his bill from last year requiring that the sex offender registry include a photograph and the offender's address (Exhibit 4).

VI. Recommendations

Juvenile waiver and tiered correction.

By a vote of 9-0, the committee recommended creating a commission on juvenile law, made up of juvenile judges and other experts in juvenile law, to recommend changes in the juvenile law by the 2003 legislative session.

Zachary's law.

By a vote of 7-0, the committee recommended the passage of PD 3186 requiring the sex offender registry to include photos and addresses of sex offenders.

Family law as it applies to marriage.

By a vote of 8-1, the committee recommended the passage of legislation that would increase the waiting period for a divorce to 120 days in some circumstances.

Civil immunity for volunteers.

By a vote of 8-0, the committee recommended the passage of a bill to amend the definition of "nonparty." (Exhibit 1).

Uniform parentage act.

The committee did not make a recommendation concerning the uniform parentage act.

Final report.

The committee adopted the final report.

VII. Adjournment

Rep. Herrell adjourned the meeting at approximately 12:30 p.m.